IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.1763 OF 2002

Santosh Suryakant Katware & Anr. ...Petitioners.
Vs.
The Commissioner, Kolhapur
Municipal Corporation & Ors. ...Respondents.

....

Mr. T. D. Deshmukh for the Petitioners.
Mrs. M. P. Thakur, AGP for Respondent Nos.1 and 2.

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CORAM : F. I. REBELLO AND
DR.D.Y.CHANDRACHUD, JJ.

February 14, 2006.

P.C.

The Petitioners have approached this Court in respect of the Development Plan as notified for the area of Kolhapur Municipal Corporation. It is the case of the Petitioners that Site No.425 admeasuring 1.75 Hectare has been reserved for Potters' Housing Society. It is submitted that considering Section 31 of the Maharashtra Regional and Town Planning Act, 1966, the State Government should not have carried out modifications while sanctioning the plan without following the procedure under Section 71 or at any rate, it should not go beyond what was proposed.

A reply has been filed on behalf of the State Government by Vijaykumar Ram Goswami. Amongst other, it is set out that

considering Section 22 of the MRTP Act, the development plan should not have included the house site for a community. The language used in Section 22 is for housing. It is also set out that the procedure prescribed has been followed.

Considering the facts, we find that there are at least five other sites which have been reserved for housing. Once that be the case, in our opinion, considering the affidavit filed by the State Government, this would not be a fit case for us to exercise our extraordinary jurisdiction. Hence rejected.

(F. I. Rebello, J.)

(Dr.D. Y. Chandrachud, J.)